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FM AMEMBASSY CARACAS

TO RUEHC/SECSTATE WASHDC 5702

INFO RUEHDT/USMISSION USUN NEW YORK 828

BT

UNCLAS CARACAS 8544

FROM US DEL LOS

DEPT REPEAT TO ALL US EMBASSIES EXCEPT CARACAS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: PROPOSED INTERIM LEGISLATION ON DEEP SEABED MINING AND
200-MILE FISHERIES ZONE

1. IT APPEARS LIKELY THAT U.S. SENATE WILL SOON BE VOTING ON
S.1134 AS AMENDED, QUOTE A BILL TO PROVIDE THE SECRETARY OF THE
INTERIOR WITH AUTHORITY TO PROMOTE THE CONSERVATION AND ORDERLY
DEVELOPMENT OF THE HARD MINERAL RESOURCES OF THE DEEP SEABED,
PENDING ADOPTION OF AN INTERNATIONAL REGIME THEREFOR, UNQUOTE
AND S.1988, THE QUOTE EMERGENCY MARINE FISHERIES PROTECTION ACT
OF 1974. UNQUOTE

2. POINT OF THIS TELEGRAM IS NOT TO GO INTO SUBSTANCE OF TWO
BILLS BUT TO ASCERTAIN EFFECT ON FOREIGN COUNTRIES OF WHAT
THEY WOULD PROBABLY VIEW AS UNILATERAL ACTION BY UNITED STATES
ON MATTERS UNDER NEGOTIATION AT THE LAW OF THE SEA CONFERENCE.
VARIOUS FOREIGN DELEGATES HERE IN CARACAS HAVE SAID THAT IF
THESE BILLS ARE PASSED THERE WILL BE A CHAIN REACTION OF UNILATERAL
CLAIMS BY OTHER STATES. SUCH ACTION COULD HAVE A SERIOUS IMPACT
UPON ACHIEVEMENT OF U.S. OBJECTIVES ESPECIALLY AS WE APPROACH FINAL
AND CRITICAL STATE OF CONFERENCE IN 1975.

3. IF DEPT. CONCURS WE WOULD APPRECIATE POST'S ASSESSMENT WITHOUT
CONSULTATION WITH HOST GOVERNMENTS OF WHAT REACTION IS LIKELY IN
EVENT EITHER OR BOTH OF THESE BILLS IS PASSED. YOU SHOULD BE
AWARE THAT WHILE ONE OR BOTH BILLS MAY PASS SENATE THIS FALL,
PROCEDURE OF PASSAGE THROUGH HOUSE OR REPRESENTATIVES, CONFERENCE,
AND SIGNING MAKE IT UNLIKELY THAT EITHER OF THEM WILL BE SIGNED
INTO LAW BEFORE THE NEXT LOS SESSION, SCHEDULED FOR MARCH 17-MAY 10
IN GENEVA. NEVERTHELESS, SINCE BOTH BILLS HAVE HOUSE COUNTERPARTS,
THIS SCHEDULE COULD BE ACCELERATED. QUESTION IS WHETHER APPARENT
STEP ON ROAD TO LEGISLATIVE ACTION WILL TRIGGER REACTION ON PART
OF STATES, PARTICULARLY THOSE WHICH FAVOR 200-MILE ECONOMIC ZONE.
WE HAVE BEEN TOLD THAT SOME COASTAL STATE CLAIMS WOULD BE SO

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EXTENSIVE AS A 200-MILE TERRITORIAL SEA WITHOUT EXCEPTING
FREEDOM OF NAVIGATION AND OVERFLIGHT.

4. RELEVANT SECTIONS OF BILLS FOLLOW:

QUOTE (A) S.1134 (DEEP SEABED BILL). LICENSE TO DEVELOP,
SEC. 5 (A) GENERAL - PURSUANT TO THE PROVISIONS OF THIS ACT,
THE SECRETARY SHALL ACCEPT APPLICATION FROM, AND ISSUE LICENSES TO,
ELIGIBLE APPLICANTS FOR THE DEVELOPMENT OF HARD MINERAL RESOURCES
OF THE DEEP SEABED. ANY LICENSE ISSUED PURSUANT TO THIS SECTION
SHALL BE ISSUED TO THE FIRST ELIGIBLE APPLICANT WHO MAKES
WRITTEN APPLICATION THEREFOR, AND TENDERS A FEE OF \$50,000 FOR
THE BLOCK SPECIFIED IN THE APPLICATION AND AVAILABLE FOR
LICENSING... (B) NATURE AND DURATION OF LICENSE. (1) ANY LICENSE
ISSUED PURSUANT TO THIS ACT SHALL BE EXCLUSIVE AS AGAINST ALL
PERSONS SUBJECT TO THE JURISDICTION OF THE UNITED STATES AND SHALL
AUTHORIZE DEVELOPMENT OF THE HARD MINERAL RESOURCES OF THE DEEP
SEABED FOR SPECIFIED BLOCKS THEREOF, PENDING ADOPTION, AND
RATIFICATION BY THE UNITED STATES, OF AN INTERNATIONAL AGREEMENT
COVERING THE SAME ACTIVITY;

PROVIDED, THAT IN NO EVENT SHALL ANY LICENSE ISSUED UNDER THIS
ACT AUTHORIZE THE COMMERCIAL RECOVERY OF SUCH RESOURCES PRIOR
TO JANUARY 1, 1976; AND PROVIDED FURTHER, THAT, EXCEPT TO THE
EXTENT THAT SUCH LICENSES ARE AUTHORIZED PURSUANT TO THE
PROVISIONS OF AN INTERNATIONAL AGREEMENT ESTABLISHING A REGIME
FOR THE DEVELOPMENT OF MINERAL RESOURCES OF THE INTERNATIONAL
SEABED AREA BEYOND THE LIMITS OF COASTAL STATE TERRITORIAL OR
RESOURCE JURISDICTION, NO LICENSES SHALL BE ISSUED UNDER THIS
ACT SUBSEQUENT TO THE RATIFICATION BY THE UNITED STATES OF ANY
SUCH INTERNATIONAL AGREEMENT.

(B) S.1988 (200-MILE FISHERIES BILL) (B) PURPOSES. IT IS
THEREFORE DECLARED TO BE THE PURPOSE OF THE CONGRESS IN THIS
ACT: (1) TO TAKE EMERGENCY ACTION TO PROTECT AND CONSERVE
THREATENED STOCKS OF FISH BY ASSERTING FISHERY MANAGEMENT
RESPONSIBILITY AND AUTHORITY OVER FISH IN AN EXTENDED CONTIGUOUS
FISHERY ZONE AND OVER CERTAIN SPECIES BEYOND SUCH ZONE, UNTIL
AN INTERNATIONAL AGREEMENT ON FISHERY JURISDICTION COMES INTO
FORCE OR IS PROVISIONALLY APPLIED;

(2) TO EXTEND, AS AN EMERGENCY MEASURE, THE CONTIGUOUS
FISHERY ZONE OF THE UNITED STATES TO 200 NAUTICAL MILES;

(3) TO EXTEND, AS AN EMERGENCY MEASURE, FISHERY MANAGEMENT
RESPONSIBILITY AND AUTHORITY OVER ANADROMOUS SPECIES OF FISH WHICH

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SPAWN IN ANY FRESH OR ESTUARINE WATERS OF THE UNITED STATES; AND
(4) TO COMMIT THE FEDERAL GOVERNMENT TO ACT AS A GUARDIAN
WITH RESPECT TO PREVENTING FURTHER DEPLETION, RESTORING DEPLETED
STOCKS, AND PROTECTING AND CONSERVING FISH TO THE FULL EXTENT
OF SUCH EMERGENCY RESPONSIBILITY AND AUTHORITY, AND TO PROVIDE
FOR THE IDENTIFICATION, DEVELOPMENT, AND IMPLEMENTATION WITHIN TWO
YEARS OF THE DATE OF ENACTMENT OF THIS ACT OF THE BEST PRACTICABLE
MANAGEMENT SYSTEM CONSISTENT WITH THE INTERESTS OF THE NATION,
THE SEVERAL STATES, AND OF OTHER NATIONS. END QUOTE

5. POSTS SHOULD BE AWARE THAT IT IS LOS DEL ASSESSMENT
THAT KNOWLEDGE OF EXISTENCE OF 200 MILE FISHERIES BILL AND
PRESSURE FOR ITS PASSAGE MAY SUBSTANTIALLY UNDERCUT U.S. BARGAIN-
ING LEVERAGE AT LOS CONFERENCE AND INCREASE RISK OF UNILATERAL
ACTIONS EVEN IF BILL IS NOT PASSED. WE DO NOT EXPECT CONGRESSIONAL
PASSAGE OF BILL BUT SENSITIVITY OF ISSUE STRONGLY INDICATED IT
SHOULD NOT BE DISCUSSED WITH OR CALLED TO ATTENTION OF HOST
GOVS. IF ISSUE ARISES POST SHOULD RESPOND FACTUALLY IN LOW KEY
FASHION MAKING POINT THAT SUCH BILLS HAVE BEEN PERENNIALY BEFORE
THE U.S. CONGRESS.

6. RESPONSES TO BE MOST USEFUL SHOULD BE RECEIVED BY NOON
SEPT. 4 IN D/LOS IN ORDER TO BE COLLATED FOR USE IN
TESTIMONY ON 200 MILES FISHERIES BILL BEFORE THE SENATE FOREIGN
RELATIONS COMMITTEE ON SEPT. 5. STEVENSON

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